

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1990.03
COMPLAINT INVESTIGATOR:	Susan Reimlinger
DATE OF COMPLAINT:	January 17, 2003
DATE OF REPORT:	February 13, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 14, 2003

**COMPLAINT ISSUES:**

Whether the Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-4(a)(1) by failing to convene a case conference committee (CCC) meeting in accordance with the timelines in 511 IAC 7-25-4(b) after an initial or an additional evaluation has been conducted.

511 IAC 7-25-5(c) by failing to provide the parents information about whether an independent educational evaluation (IEE) will be paid at public expense.

511 IAC 7-27-2(c) by failing to give adequate notice of a CCC meeting convened on January 13, 2003.

**FINDINGS OF FACT:**

1. The student (Student) is 13 years old, and is eligible for special education and related services as a student with an other health impairment. The Student spends 50% of each school day in a resource room in the local middle school (School).
2. Certified personnel received the parent's consent for an educational evaluation on September 24, 2002, making the due date for a case conference January 6, 2003. The notice of case conference indicates that the CCC will convene on January 13, 2003.
3. In response to the Parent's request, dated January 13, 2003, for an independent educational evaluation, the Director wrote a letter, dated January 21, 2003, affirming that the School would provide such an evaluation at no cost to the Parent. Attached to the letter is a copy of the School's procedures, as of January 2003, for independent educational evaluations and a listing of independent evaluators.
4. The notice of case conference for the January 13, 2003, CCC meeting is signed by the parent as being "received by parent 1-13-03 from school." The notice form allows for a place to record the date the notice was prepared and for the attempts to contact the Parent, specifically "notification form mailed: (dates)." For this notice, it is dated as being prepared on January 8, 2003, however, there is nothing documented in the place about attempts to contact the Parent. There is no documentation submitted by the School to refute the Parent's note about receiving the notice on January 13, 2003.

**CONCLUSIONS:**

1. Finding of Fact #2 indicates that the January 13 CCC meeting occurred six days past the due date of January 6, 2003. Therefore, a violation of 511 IAC 7-27-4(a) is found.
2. Finding of Fact #3 indicates that the January 21 letter from the Director does state that the independent evaluation will be provided at no cost to the Parent. Therefore, no violation of 511 IAC 7-25-5(c) is found.
3. Finding of Fact #4 indicates that adequate prior notice of a CCC meeting was not given. Therefore, a violation of 511 IAC 7-27-2(c) is found.

**The Department of Education, Division of Exceptional Learners requires corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Kokomo Area Special Education Cooperative shall:

1. Send a written reminder to building administrators and special education personnel regarding:
  - 1) the requirement in 511 IAC 7-27-4(a) about convening a CCC in accordance with the timelines in 511 IAC 7-25-4(b) for evaluations, and
  - 2) the requirement in 511 IAC 7-28-2(c) about giving adequate notice of a CCC meeting.A copy of the written memorandum and an assurance statement that the memorandum was sent to building administrators and special education personnel submitted to the Division no later than February 28, 2003.